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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,146	04/11/2006	Aloys Wobben	970054.489USPC	6164
500 7590 01/30/2008 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			EXAMINER NGUYEN, NINH H	
			ART UNIT 3745	PAPER NUMBER
			MAIL DATE 01/30/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,146	<b>Applicant(s)</b> WOBBEN, ALOYS	
	<b>Examiner</b> Ninh H. Nguyen	<b>Art Unit</b> 3745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6 and 8-16 is/are allowed.
- 6) ☒ Claim(s) 1, 17-19, 21-23, 26, 27, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) 24, 25, 28 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/19/2007 have been fully considered but they are not persuasive.

Applicant amends the preamble of claim 1 to recite a wind power plant rotor blade tip for a wind power plant rotor blade and argues that Evans discloses an impeller for an air-conditioning system and therefore, does not anticipate the amended claim 1.

The Examiner respectfully disagrees.

Applicant only amends the preamble of the claim. There are no further limitations in the body of the claim to distinguish a rotor blade of a wind power plant from a rotor blade of an air-conditioning system. Therefore, "A wind power plant rotor blade tip for a wind power plant rotor blade" signifies an intended use and is not given patentable weight.

Regarding the amended claims 17 and 23, the claims are not amended to include all the limitations of the base claims and intervening claims as required and therefore, are not allowable.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al. (5,215,441).

Evans discloses a rotor blade tip for a rotor blade (Figs. 1-4) with an aerodynamic profile having a pressure side 14 and a suction side 15, wherein the rotor blade tip is curved in the direction of the pressure side of the rotor blade (Fig. 1); forming an edge arc, and wherein the rotor blade tip narrows towards an arc upper edge, and has an edge arc leading edge and an edge arc trailing edge, the edge arc leading edge and the edge arc trailing edge extending equally in a predetermined curved gradient to the edge arc upper edge (Fig. 1);

Regarding claim 29, Evans inherently discloses an air-conditioning plant comprises a blade tip as discussed in the rejection of claim 1 above.

4. Claims 17-19, 21-23, 27, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Salzman et al.

Salzman discloses a rotor blade tip 40 for a rotor blade (Figs. 1-7) having an aerodynamic profile having a pressure side (top surface of the blade 28 in Fig. 1A) and a suction side (the opposite surface), wherein the rotor blade tip is an independent piece configured to fit into a remaining portion of the rotor blade (Fig. 1A) and includes an outer region that is curved in its outer region in the upwardly curving direction of the pressure side of the rotor blade (Fig. 1A), wherein the outer region narrows towards an upper edge;

Regarding claim 18, a profile of the rotor blade blends fluidly into a profile of the outer region (Fig. 1A).

Regarding claim 19 a cross-sectional plane of the outer region inherently extends at a predetermined angle relative to the cross-sectional plane of the rest of the rotor blade (Fig. 1).

Regarding claim 21, the rotor blade tip further includes a region of reduced cross-section for fitting into the remaining portion of the rotor blade (Fig. 6).

Regarding claim 22, at least one opening is provided in the region of reduced cross-section (Fig. 6).

Regarding claim 27, Salzman inherently discloses an industrial plant comprises a blade tip as discussed in the rejection of claim 17 above.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salzman et al.

Salzman discloses all the limitations except the blade tip is not made of aluminum as claimed.

Since the applicant has not disclosed that having blade tip made of aluminum solves any stated problem or is for any particular purpose above the fact that aluminum is physically strong and lightweight, and it appears that the blade tip of Salzman would perform equally well with the blade tip made of aluminum as claimed by applicant, it would have been an obvious matter of design choice to modify the blade tip of Salzman by utilizing the specific material as claimed.

***Allowable Subject Matter***

7. Claims 2-6 and 8-16 are allowed.
8. Claims 24, 25, 28, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

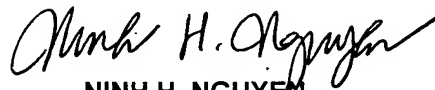
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).

  
NINH H. NGUYEN  
PRIMARY EXAMINER

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01/26/2008